

APR - 5 2004

A2/  
RCE  
4/19/04  
TMS  
OFFICIAL

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000.  
Provides for continued examination of an utility or plant application  
Filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/458,896
Filing Date	December 10, 1999
First Named Inventor	Bertram et al.
Group Art Unit	2665
Examiner Name	Molinari, Michael J.
Attorney Docket Number	533/038US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/28) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**a.  Previously submitted

- i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 Previously filed on \_\_\_\_\_  
(Any unenclered amendment(s) referred to above will be enclered)
- ii.  Consider the arguments in the appeal brief or Reply brief previously filed on \_\_\_\_\_
- iii.  Other \_\_\_\_\_

b.  Enclosed

- i.  Amendment/Reply to Final Office Action dated February 9, 2004
- ii.  Affidavit(s)/Declaration(s)
- iii.  Information Disclosure Statement (IDS)
- iv.  Other

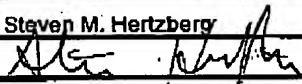
2. **Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

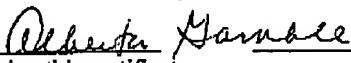
- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-0782
  - i.  RCE fee required under 37 C.F.R. § 1.17(d) 04/09/2004 KGORDON 00000001 200782 09450896
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) i FC:1001 770.00 DA
  - iii.  Other:
- b.  Check in the amount of \$ \_\_\_\_\_ enclosed
- c.  Payment by credit card

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Steven M. Hertzberg	Registration No. (Attorney/Agent)	41,834
Signature		Date	April 5, 2004

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 on April 5, 2004, Facsimile No. (703) 872-9306

Alberta Gamble  April 5, 2004  
Name of person signing this certificate Signature and date

Approved for use through 10/31/2002, OMB 0651-0032  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$ 770.00)

## Complete if Known

Application Number	09/456,866
Filing Date	December 10, 1999
First Named Inventor	Bertram et al.
Examiner Name	Molinari, Michael J.
Group / Art Unit	2885
Attorney Docket No.	533/098US

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money  Other  None  
 Order  
 Deposit Account:

Deposit Account Number  
 20-0782

Deposit Account Name  
 Moser, Patterson & Sheridan

The Commissioner is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEES CALCULATION (continued)

3. ADDITIONAL FEES			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 85	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	216 56	Extension for reply within first month	
116 400	218 200	Extension for reply within second month	
117 920	217 480	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 150	Notice of Appeal	
120 320	220 180	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 480	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17 (q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(e))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
178 740	279 370	Request for Continued Examination (RCE)	770.00
168 900	169 800	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

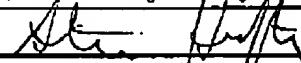
**SUBTOTAL (3)**

(\$ 770.00)

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Complete if applicable

Name (Print/Type)	Steven M. Hartzberg	Registration No. Attorney/Agent)	41,834	Telephone	(732) 530-9404
Signature				Date	April 5, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.